

Dec. 28. 2005 3:55PM

No. 6997 P. 1

**CRAIN  
CATON  
&  
JAMES**

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS

TELEPHONE: 713.658.2323  
FACSIMILE: 713.658.1921

RECEIVED  
CENTRAL FAX CENTER

DEC 28 2005

17TH FLOOR  
FIVE HOUSTON CENTER  
1401 MCKINNEY STREET  
HOUSTON, TEXAS 77010-4035

**FAX COVER SHEET**

**TO:** Office of Petitions                                   **FAX #:** 571.273.8300  
Commissioner of Patents  
United States Patent & Trademark Office

**FROM:** James E. Hudson III                           **NUMBER OF PAGES:** 11  
**DATE:** December 28, 2005                                 (**INCLUDING COVER PAGE**)  
**C/M#:** 089515-000115  
**SUBJECT:** Petition to Correct Inventorship  
U.S. Pat. Appl. S/N 10/619,852  
U.S. Pat. No. 6,933,771

Included with this transmittal for U.S. Pat. Appl. S/N 10/619,852 issued as U.S. Pat. No. 6,933,771 are:

1. Fax cover sheet (1 sheet)
2. Transmittal Form PTO/SB/21 (1 sheet)
3. Processing Fee Transmittal PTO/SB/17i (1 sheet)
4. Petition Under 37 CFR 1.324 To Correct Inventorship (8 sheets)

PLEASE CHECK TRANSMISSION AFTER THE LAST PAGE.  
IF YOU ARE NOT RECEIVING CLEARLY, OR IF YOU  
HAVE ANY PROBLEMS WITH THE TRANSMISSION,  
PLEASE CALL US BACK IMMEDIATELY AT 713.658.2323.

THE ENCLOSED MATERIAL IS INTENDED FOR THE RECIPIENT NAMED ABOVE AND UNLESS OTHERWISE EXPRESSLY INDICATED, IS CONFIDENTIAL AND PRIVILEGED INFORMATION. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

233 - 254440v1  
089515/000115

THANK YOU.

Dec. 28. 2005 3:55PM

RECEIVED  
CENTRAL FAX CENTER

No. 6997 P. 2

DEC 28 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

		Application Number	10/619,852
		Filing Date	July 16, 2003
		First Named Inventor	Stanley D. Stearns
		Art Unit	2816
		Examiner Name	Jeffery Shawn Zweizig
Total Number of Pages in This Submission	11	Attorney Docket Number	088515-000115

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Fax Cover Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Crain, Calon & James, P.C.		
Signature	<i>James E. Hudson III</i>		
Printed name	James E. Hudson III		
Date	December 28, 2005	Reg. No.	41,081

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO [REDACTED] on [REDACTED]

the date shown below:

Signature	<i>James E. Hudson III</i>		
Typed or printed name	James E. Hudson III	Date	December 28, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Dec. 28. 2005 3:56PM

RECEIVED  
CENTRAL FAX CENTER

No. 6997 P. 3

DEC 28 2005

PTO/SB/17 (04-05)

Approved for use through 07/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1986, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PROCESSING FEE  
Under 37 CFR 1.17(i)  
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/619,852
Filing Date	July 16, 2003
First Named Inventor	Stanley D. Stearns
Art Unit	2818
Examiner Name	Jeffery Shawn Zweizig
Attorney Docket Number	089515-000115

Enclosed is a paper filed under 37 CFR 1.324 that requires a processing fee (37 CFR 1.17(i)).  
 Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(i), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-3385:

processing fee under 37 CFR 1.17(i)     any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
 Except for § 1.221 papers (Fee Code 1803)**

## For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.62(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods.
- § 1.89(e) - for processing a belated submission under § 1.89.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. Fee Code 1803
- § 1.281(e)(8) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the International stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature  
James E. Hudson III

Typed or printed name

December 28, 2005

Date

41,081

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Dec. 28. 2005 3:56PM

No. 6997 P. 4  
RECEIVED  
CENTRAL FAX CENTER

DEC 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/619,852	Confirmation No.	7589
Patent No.:	:	6,933,771		
Applicants	:	Stanley D. Stearns, Chris S. Cowles		
Filed	:	July 15, 2003		
TC/A.U.	:	2816		
Examiner	:	Jeffery Shawn Zweizig		
Docket No.	:	089515-000115		
Customer No.:	:	30903		
Issue Date:	:	August 23, 2005		

Commissioner for Patents  
Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.324 TO CORRECT INVENTORSHIP

Sir:

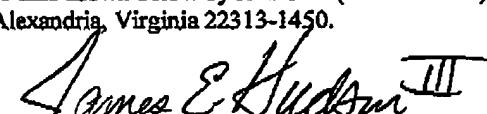
Pursuant to 37 CFR 1.324, named inventors Stanley D. Stearns and Chris S. Cowles, together with Valco Instruments Company, Inc. as assignee of the interest of Chris S. Cowles, hereby request a certificate of correction naming only Chris S. Cowles as inventor. Stanley D. Stearns was erroneously named in the above-identified issued patent as an inventor of the invention disclosed therein. Such error arose without any deceptive intention on the part of Stanley D. Stearns.

12/29/2005 SFELEKE1 00000030 503385 6933771  
01 FC:1464 130.00 DA

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence is being transmitted on the date shown below by facsimile (571-273-8300) to the Assistant Commissioner of Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.

December 28, 2005

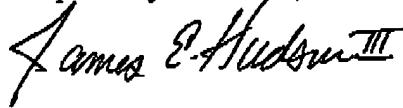
  
James E. Hudson III  
Registration No. 41,081

Patent No. 6,933,771  
Petition Dated December 28, 2005  
PETITION UNDER 37 CFR 1.324 TO CORRECT INVENTORSHIP

This petition is accompanied by:

1. A statement from Stanley D. Stearns that the inventorship error occurred without any deceptive intent, as required by 37 CFR 1.324(b)(1)(Appendix A).
2. A statement from Chris S. Cowles agreeing to the change in inventorship, as required by 37 CFR 1.324(b)(2). Pursuant to 37 CFR 1.324(b)(2), Mr. Cowles is the only current named inventor who has not submitted a statement under 37 CFR 1.324(b)(1)(Appendix B).
3. A statement Valco Instruments Co., Inc. as the sole assignee of any interest in this patent, namely the assignee of the interest of Chris S. Cowles, agreeing to the change of inventorship, as required by 37 CFR 1.324(b)(3)(Appendix C). The assignment of the interest of Chris S. Cowles to Valco Instruments Co., Inc. was recorded in the United States Patent and Trademark Office on July 15, 2003 at Reel/Frame 014297/0365.
4. The required fee of One Hundred Thirty Dollars (\$130.00). The Director is hereby authorized to charge the required fee(s) or credit any overpayment to deposit account 50-3385 in the name of Crain, Caton & James, P.C.

Respectfully Submitted,



James E. Hudson III  
Registration No. 41,081  
Crain, Caton & James, P.C.  
1401 McKinney, Suite 1700  
Houston, Texas 77010-4035  
713.752.8652 Voice  
713.425.7952 Fax  
jhudson@craincaton.com